

## 5.0 COMMENTS AND COORDINATION

### 5.1 Coordination with Federal and State Agencies

The Department coordinated the project study with many local, state and federal agencies which have varying degrees of jurisdiction and expertise concerning the area's natural resources and the socio-economic outcomes of building a four-lane highway. These agencies include:

- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- Illinois Historical Preservation Agency
- Illinois Department of Agriculture
- Illinois Farm Bureau
- Illinois Department of Natural Resources (formerly Department of Conservation)
- Illinois Natural History Survey
- Illinois State Geological Survey
- Illinois Environmental Protection Agency
- University of Illinois (Archaeological Survey Program)
- Federal Highway Administration
- Illinois Department of Transportation Central Office, Bureau of Design and Environment
- Illinois Department of Transportation District 2 Office, Program Development

Bimonthly coordination meetings were held between the Department, its consultants and the FHWA to discuss and analyze key issues for alternate location and to dismiss alternates that did not meet the purpose and need of the project.

During the early evaluation of the alternate alignments, the Department held two NEPA/404 meetings to refine the purpose and need of the project and to determine which alternates would be carried forward in the study.

NEPA/404 Coordination Meetings continued throughout the duration of the project. The focus of these meetings on refining the purpose and need of the project and to determine which alternates would be carried forth in the study. On April 28, 2003, each participating agency concurred with the Alternate 2 alignment (Longhollow Freeway with South Simmons Mound variation) as the Preferred Alternate.

### 5.2 Public Involvement

The public involvement initiative included a progressive design and an extensive application of public involvement tools. This initiative provided early and ongoing opportunities for the public, the Department, and its consultants to work in a collaborative setting. Public input resulted in major changes and adjustments to highway alignment alternates throughout the study. A blend of traditional and innovative public involvement tools was utilized to initiate and maintain an active dialogue with affected and interested citizens across the two-county region that encompassed the project.

The initial challenge in developing the public involvement initiative was how to effectively involve several thousand citizens in a project traversing over fifty miles of rural and urban area. A Work



Group/Advisory Council structure was designed where agriculture, economic development, tourism, environment, and government interests were represented. The core of public involvement activity occurred through the Work Groups/Advisory Council structure. To maintain a dialogue that would be fluid and efficient with ongoing participants, yet allow newcomers to participate, a variety of tools were used. Dialogue was facilitated through the use of kiosks, audio-video presentations, an 800 telephone number, and newsletters.

Individual Work Group Meetings were held periodically throughout the project study to discuss the findings of the engineering design and socio-economic and environmental studies being carried out by the Department and its consultants in their area of interest. Advisory Council Meetings were held when public involvement procedures or project study policy direction affected all the Work Groups.

Throughout the project study, meetings with the Department and its consultants were requested by citizens in the region. Most often these meetings were concerned with the alignment locations in relation to an individual's own property and potential impacts. Meetings with small groups of individuals and special interest groups were held also at the Department office in Dixon, Illinois, and at individual residents' homes when requested.

A U.S. Route 20 newsletter was produced periodically throughout the project study and sent to a mailing list of approximately 2,650 individuals including Work Group members. The newsletter, titled *Glacier Shadow Pass Newsletter, Public Involvement Program*, was published prior to several of the public information meetings to make the public aware of new project study data, alignment locations, Work Group and Advisory Council study progress and the outcome of issues discussion.

A 14-page U.S. Route 20 Citizen's Guide for Public Involvement, subtitled *Glacier Shadow Pass - In the Shadow of the Glacier*, was published at project study initiation. It outlined the history of four-lane highway discussion in the region, the purpose and need for a four-lane highway, engineering design and environmental impact study and proposed the Work Group and Advisory Council structure for issues and impact discussion.

The Department established an 800 toll-free telephone number, 1-800-837-RT20, so that citizens could call anytime for information on the project study. A recorded message listed upcoming meetings and contacts for specific information. Callers could also talk to a staff person regarding other more specific issues and concerns.

## 5.3 Public Hearing

The Federal Highway Administration began circulation of the Draft EIS on June 6, 2003. The June 6 Federal Register listed the document under the USEPA's Notice of Availability. Subsequent to the signing of the Draft EIS by the Federal Highway Administration, an open-house format public hearing was held on June 25, 2003, at Highland Community College in Freeport (Stephenson County – the east portion of the project) for the public to review the Preferred Alternate and Draft Environmental Impact Statement (DEIS). Approximately 175 people attended the Public Hearing. On June 26, 2003, a repeat of the first public hearing was held at the Galena Convention Center in Galena (Jo Daviess County – the west portion of the project). Approximately 415 people attended the Public Hearing. An audio-visual presentation was provided to outline the history of the project, to highlight study findings and give a brief overview of the final alignments and IDOT's Preferred Alternate, taking into account Work Group, Advisory



Council and general citizen input. A second audio-visual presentation was a computer rendition of what a drive on the Preferred Alternate might look like. A court reporter recorded oral public comments at the public hearings. Written public comments were accepted up to 45 days from the Notice of Availability.

A press release was sent to four newspapers – the Dubuque Telegraph, the East Dubuque Register, the Galena Gazette, and the Freeport Journal – on Friday, May 23, 2003, informing the public of the project's public hearing. The project's newsletter served as the letter of invitation and was sent to some 2,670 elected officials, media (print, radio, and TV) representatives, and the general public inviting them to the public hearing. Legal notices of the public hearings were published in the Dubuque Telegraph (Tuesday, June 10, 2003), the East Dubuque Register (Friday, May 23, 2003 and Friday, June 6, 2003), the Galena Gazette (Wednesday, May 28, 2003 and Wednesday, June 11, 2003), and the Freeport Journal (Friday, May 23, 2003 and Tuesday, June 10, 2003).

## 5.4 DEIS Comment Responses

Appendix A presents photocopies of the letters and comments from federal, state, and local governmental bodies, environmental/neighborhood organizations, and the general public commenting on the DEIS and/or the public hearing during the 45 day comment period. These comments are primarily on four general topics: 1) alignment concerns, 2) right-of-way concerns, 3) ecological concerns, and 4) increased truck traffic concerns and are categorized accordingly. Responses to these comments are sub grouped from the general topics as listed above into the comment key found at the end of the Breakdown of Public Hearing Comments index at the beginning of Appendix A. This format is designed to provide for consolidated response discussion addressing related comments. Comments that merely state a fact or an opinion, although helpful in refining the Preferred Alternate, do not require a specific response and are not specifically called out in this section. Comments from the Northwest Illinois Prairie Enthusiasts, the Freeway Watch Committee, the U.S. Department of the Interior, and the U.S. Environmental Protection Agency are responded to separately. Photocopies of responses made during the 45-day response period are also contained in Appendix A.

- Alignment Concerns (Comment Key No. 6)

**Comment 1:** The location of interchanges (Devil's Ladder, Woodbine and Lena) needs to be reevaluated.

**Response 1:** Due to overall cost and system benefit, the interchange suggestions have not been implemented. The selection of the Preferred Alternate, including the location of interchanges, was made involving detailed engineering studies and extensive local coordination. In particular, relocating the Devil's Ladder Interchange east to Tippet Road (approximately at the existing Galena Territory entrance) would result in a geometric design that is not as cost effective, requires more mitigation of impacted environmentally sensitive areas and does not maintain convenient access to the surrounding community. Arguably, the relocation of the interchange to the ridge-top near the main entrance to the Galena Territory serves the largest destination for the interchange more efficiently, but this advantage is not outweighed by the disadvantages. Although it is possible to design and construct an interchange at Tippet Road, it is not consistent with the avoidance approach maintained throughout the study.



**Comment 2:** Why wasn't an interchange at Stagecoach Trail with the Preferred Alternate considered?

**Response 2:** Due to the proximity to the Horseshoe Mound Interchange and the required steep grades in order to meet design criteria associated with an interchange at Stagecoach Trail, an interchange at this location was not developed.

- **Right of Way/Property Concerns (Comment Key No. 3)**

**Comment 1:** How are we going to be compensated for the land we will lose because of the construction of the Preferred Alternate?

**Response 1:** The Department will follow the Uniform Assistance and Real Property Acquisition Act of 1970 (as amended) as stated in 4.1.4 in the DEIS. As part of the land acquisition process, IDOT's policy is to pay fair market value for properties acquired. In some cases, only a portion of a parcel will be acquired. In these situations, separated parcels would remain the property of the current owner. In order to determine IDOT's "offer to purchase," an appraiser compares the market value of the original property versus the market value of the remaining parcel(s). The difference in these values is considered the fair acquisition price, since all factors that affect the value of the property to be acquired, as well as damage to the remaining property, are considered. For landlocked parcels, the Department either pays severance damages or purchases the remnant. When compensations take place, the Department is obligated to pay a just level of compensation, which will include any fair market value reduction of the remaining property. This would extend to the purchase of buildings as well as land.

**Comment 2:** The new highway eliminates my existing driveway, but IDOT did not provide a new driveway.

**Response 2:** IDOT will analyze various options to provide access to your property. You will be kept informed of the status of your concern. Access to your property will be provided in a way that the new access will be at least equal to or better than your existing access. This will be provided to you at no cost and to your satisfaction.

**Comment 3:** The proposed alignment of AYP Road takes too much right of way from property owners.

**Response 3:** The Department has investigated the configuration for the AYP Road/Cook Road intersection and has reduced the right-of-way required from the same property owners to construct this intersection from what was shown at the Public Hearing. No additional impacts have been generated. Please see Appendix A, Aerial Plan Sheets (sheet 114), and the Project Report for additional information.

- **Ecological Concerns (Comment Key No. 5, 8, 13, 17, 18, and 19)**

**Comment 1:** I would like to know how the increased truck traffic vehicle emissions will affect the area and the environment.

**Response 1:** Along with the No-Action Alternative, the Freeway and Expressway Alternates were analyzed for potential air quality impacts. The results of the modeling



for the Preferred Alternate show an inconsequential change in air quality over the No-Action Alternate. Additionally, pollutant levels are still well below National Ambient Air Quality Standards. Since the air quality modeling indicates that there will be no substantial air quality impacts, no mitigation measures are warranted to control vehicle emissions. This information is covered in the Air Quality Technical Report and summarized in the DEIS, Section 4.4. Please see Section 5.4.6, Response 9 for additional information.

**Comment 2:** What will prevent growth at interchanges?

**Response 2:** IDOT has strict policies for access along highways immediately adjacent to interchanges. Access to existing U.S. Route 20 will not be allowed within 183 to 213 meters (600 to 700 feet) of the interchange ramps. Additional controls will be placed along the first access roads on each side of the interchange. However, IDOT does not exercise power to restrict access where traffic operations and safety do not indicate such restrictions to be appropriate. IDOT also does not use access control requirements as a means to control local land use. Regulating growth at interchanges and intersections is under the jurisdiction of the county and/or municipality through zoning ordinances.

**Comment 3:** The DEIS does not address light pollution. Is lighting needed at the interchanges?

**Response 3:** An analysis of roadway lighting indicated that full interchange lighting is not warranted at any interchange location. Only partial lighting at ramp terminals and gore areas will be installed at each location. Lighting for mainline and side road bridges would also be proposed. IDOT has recently avoided using the 24.3 to 45.7-meter 80 to 150-foot high mast arm towers. Therefore, the partial lighting would consist of the 12.2-meter (40-foot) pole lighting. Full cutoff lights are a possible solution to avoid spillover of light onto adjacent areas since they are designed to direct light only to the locations where the light is needed, thus minimizing light pollution. Please see Section 4.12 for additional information.

- **Increased Truck Traffic Concerns (Comment Key No. 10)**

**Comment 1:** The implications of U.S. Route 20 becoming a NAFTA truck route raises a number of serious environmental concerns that have yet to be addressed.

**Response 1:** U.S. Route 20 is on the National Highway System, but it has not been designated as a North American Free Trade Agreement (NAFTA) Route. The Federal Highway Administration (FHWA) has researched the existence of designated NAFTA corridors, at IDOT's request, and neither the Illinois Division nor the Washington, D.C. offices of the FHWA is aware of any such designated routes. There was a reference to a bill renaming the National Corridor Planning and Development Program to the NAFTA Corridor Planning and Development Program. This was researched by FHWA as well, and no such change has been executed. Therefore, the EIS will not include any discussion concerning NAFTA other than this response.

- **Northwest Illinois Prairie Enthusiasts**

**Comment 1:** The DEIS fails to mention or analyze the adverse effects on public health of the fine particulate matter emitted in vehicle exhaust.



**Response 1:** The air quality analyses completed for this project were done so in accordance with NEPA and FHWA guidelines. The findings are presented in the Air Quality Technical Report, and are incorporated by reference in the DEIS, Section 4.4.

Specifically, the attainment status of Particulate Matter (PM<sub>10</sub>) levels have been assessed in the DEIS (May 2003) page 2-29. The entire project area is designated as attainment for PM<sub>10</sub> (10 micron). The detailed PM<sub>10</sub> standards and monitored particulate pollutant levels were discussed and shown on Table 2-1 (page 2-2) and Table 3-1 (page 3-2) of the Air Quality Technical Report (March 2001). These monitored data show that the PM<sub>10</sub> levels are much lower than the National Ambient Air Quality Standards. For instance, the highest 24-hour fine particle concentration near the project area for the 1997-1999 timeframe ranged as 42 ~ 73 ug/m<sup>3</sup> (equivalent to only 28% ~ 48% of the standard); while annual average concentrations ranged as 21.3 ug/m<sup>3</sup> ~ 26.7 ug/m<sup>3</sup> (only 43 % ~ 53 % of the annual standard). This is also addressed in Section 2.6 of the FEIS.

Further, section 4.4.1.3 (page 4-58) and 4.13.2 (page 4-124) of the DEIS assess and discuss fine particle emissions and dust issues related to construction, as well as the control techniques to ensure minimizing any potential emissions and impacts based on IDOT Standard Specifications and Provision for Road and Bridge Construction, Section 107.36. Consequently, the DEIS demonstrated and documented the particulate matter issues and meets the NEPA requirements.

**Comment 2:** Other types of noise barriers, other than a 22-foot high fence, should also be discussed.

**Response 2:** Acceptable noise abatement measures include those that have the potential to substantially reduce traffic-generated noise in a cost effective manner. Noise walls, if cost effective based on a cost per benefited receptor basis, are an acceptable and effective abatement measure and have therefore been included in the analysis. Please see Section 4.5 of the FEIS for other aspects of this response.

The noise analyses completed for this project were done so in accordance with NEPA and FHWA guidelines. The detailed findings are presented in the Noise Technical Report, and are incorporated by reference in the DEIS, Section 4.5.

**Comment 3:** The “acquisition of real property or interest therein to serve as a buffer zone” is identified in the DEIS as an appropriate way to mitigate highway noise. However, the applicability of this tool to this project is not considered.

**Response 3:** See Response 2.

**Comment 4:** What are the impacts to groundwater, if any, from karst features?

**Response 4:** The DEIS and FEIS, Section 2.8, acknowledges that Groundwater in karst landscapes is susceptible to contamination because of the fractured and honeycombed bedrock and the absence of a thick soil cover. The DEIS and FEIS, Section 4.6, further identifies the potential to encounter these areas during the detailed design phase of the project. Comprehensive subsurface (geotechnical) investigations are a standard scope item during the Illinois Department of Transportation’s Phase II procedure. Should the potential for groundwater risk be



identified as a result of these investigations, appropriate mitigation measure will be incorporated into the design.

**Comment 5:** Wetland mitigation must be located within the local watershed given the rarity of wetlands in the Driftless Area.

**Response 5:** NEPA states that avoidance is the first course of action in determining the location of a new project (avoid, minimize, mitigate). The alternatives included in the DEIS, and those dismissed early on (e.g. Snipe Hollow), used avoidance of environmentally sensitive areas as a priority. This avoidance approach is exemplified in the potential impacts to only 1.47 hectares (3.63 acres) of low quality wetlands (FQI ratings less than 20) along the preferred alignment. Four of the nine wetland sites potentially impacted by the preferred alignment are over an area of 0.2 hectares (0.5 acres). This is a result of combining temporary and permanent impacts together.

Mitigation of these dispersed, low quality impacts would be accomplished between a 2-to-1 and 5.5-to-1 ratio in a high quality wetland restoration area approved by the Corps of Engineers within the existing watershed of three of the impacted wetlands. Please see the second paragraph under Wetland Mitigation on page 4-32 of this FEIS for additional clarification.

**Comment 6:** The rationale for the mitigation wetland acres is missing.

**Response 6:** The rationale for mitigating wetland acres, as described in the DEIS, follows the Department's Wetland Policy Act as approved by the IDNR. (Please refer to Section 4.9.2, Wetland Mitigation, on page 4-102 of the DEIS.) State mitigation ratios are determined by the size of the impact (over or under 0.2 hectares [0.5 acres] and the mitigation site location – on-site, off-site, or out-of-basin. A mitigation ratio of 2-to-1 is for impacts less than 0.2 hectares (0.5 acres) and in-basin. A mitigation ratio of 3-to-1 is for impacts less than 0.2 hectares (0.5 acres) and out-of-basin. A mitigation ratio of 5.5-to-1 is for impacts over 0.2 hectares (0.5 acres) and out-of-basin. A total of nine wetland sites with the loss of 1.47 hectares (3.63 acres) will be affected. A total of 7.18 hectares (17.75 acres) of wetland credits will be purchased. Please see Section 4.9, Wetland Mitigation, of this FEIS for additional clarification.

**Comment 7:** A ratio of at least 3 to 1 (restored to impacted acres) is required, not the proposed ratio of 1 to 1.3. The ecological restoration of oak woodland habitat is the required action, not reforestation, that is, the simple planting of trees.

**Response 7:** Specific canopy, shrub, and herbaceous layers will be established. The goal of the restoration is to duplicate, as much as possible, the existing native upland forest plant community. Please see Section 4.6.2, Upland Forest, and Section 4.15, List of Commitments and Mitigation Measures, of this FEIS for additional clarification.

**Comment 8:** The mitigation for the loss of one acre of dolomite hill prairie should be the permanent protection of the remaining 13.4 acres of dolomite hill prairie within the study area. The proposed mitigation of 10.4 acres of tall mesic prairie could mitigate the loss of the other 2.9 acres [as stated in the DEIS and is actually less as noted in Section 4.6] of native grassland.



**Response 8:** The Department will pursue acquisition of a conservation easement for a portion of two parcels located immediately adjacent to the dolomite hill prairie that will be on the states right-of-way. The easement will be sought to protect the remaining 13.4 acres of dolomite prairie. The Department will mitigate 1.0 acres of native grassland that will be impacted. Please see Section 4.6.2, Upland Forest, of this FEIS for additional clarification.

**Comment 9:** Instead of stating that no wildlife corridors were identified within the project area, the statement that the entire length of the preferred alternate is rife with wildlife activity should be used. The identification of those species within the project area should be noted.

**Response 9:** The movement of wildlife throughout the Preferred Alternate alignment has been identified. Please see Section 4.6.2, Barriers to Movement, of this FEIS for additional clarification.

Commitments have been made by the Department on this subject and are included in the DEIS, Section 4.15.

**Comment 10:** Instead of stating that the project is not expected to either introduce or increase invasive/nuisance species of plants, a commitment to use only native plant materials in the construction and maintenance of this highway and to actively correct all invasive/nuisance species as the arise should be made.

**Response 10:** The Department has adopted practices to minimize the introduction and spread of invasive plants. Native plant materials will be used in specific locations as identified through the continuous review of this project. Please see Section 4.6.2, Invasive Species, of this FEIS for additional clarification.

**Comment 11:** A reference to other mitigation tools such as conservation easements, landowner incentives, design waivers, agricultural easements, buffer zones, conservation plans, cooperative agreements, scenic easements, or coordination with nongovernmental organizations should be made.

**Response 11:** In accordance with Department policy, the Department cannot commit to the acquisition of additional property for these purposes. However, the Department will pursue obtaining conservation easements for specific areas. Individual property owners may participate at their own discretion.

**Comment 12:** A formal public input process to address the numerous and varied issues relate to adverse environmental impacts that will arise during subsequent phases of the project should be formed.

**Response 12:** The Department has adopted the recommendation of the Advisory Council as to the continued Public Involvement during the design phases of the project. This commitment is included in the FEIS, Section 4.15.

**Comment 13:** Mitigation practices involving ecological restoration should be designated and implemented by a third party. IDOT has neither the expertise nor the experience necessary to successfully complete this type of work.





**Response 13:** Mitigation plans for the forest and prairie restoration areas will be developed by the Department. The Department's Ecologist and Landscape Architect have both the expertise and experience to successfully design and complete this mitigation. For more than 20 years, they have been working together in successfully completing the necessary compensation for wetland, prairie, and forest impacts. They will have their plans reviewed by IDNR. The Department believes that their team of experts is well qualified and will successfully complete this mitigation.

- **Freeway Watch Committee**

**Comment 1:** By increasing access to this area, a new freeway will induce development and thereby transform this community into a very different place. The DEIS does not present the induced impacts to changes in land use patterns, population density, and the rate of growth. This DEIS states that, "the selected alternative will function as a component of the natural landscape." No one believes that. This DEIS does not present the impacts of the socio-economic transformation.

**Response 1:** The comment suggests that the freeway will induce development and thereby transform the community. Construction of an access controlled freeway will limit development along the corridor to interchange locations and will therefore reduce the potential for uncontrolled development within the communities along the route.

The comment suggests the indirect impacts of alternatives were not addressed in the DEIS. Indirect and Cumulative impacts are addressed in summary form in the DEIS, Section 4.15. Specific statistical and analytical data are included in the Socioeconomic Technical Report, incorporated into the DEIS by reference.

The comment states that no one believes the selected alternative will function as a component of the natural landscape. The members of the Advisory Committees requested involvement in the design phase of the project to incorporate aesthetic features. The Department has committed to this involvement in the DEIS.

The comment suggests that the DEIS does not present the impacts of the socio-economic transformation. Socioeconomic impacts are addressed in summary form in the DEIS, Section 4.1. Specific statistical and analytical data are included in the Socioeconomic Technical Report, incorporated into the DEIS by reference.

Additionally, the Council on Environmental Quality's regulations implementing NEPA (40 CFR 1500 et seq.) require that an EIS identify all the indirect effects that are known and make a good faith effort to explain the effects that are not known but are "reasonably foreseeable" (40 CFR 1508.8(b)). If there is total uncertainty about the nature of future land use, the Department is not required to engage in speculation, but rather make an informed judgment based on reasonably foreseeable trends in the area or similar areas.

To this end, Section 4.14.2.1 of the Draft EIS contains an extensive discussion on the regional development impacts of highways, including a review of current literature on the subject. The discussion goes on to develop criteria to assess the likelihood of different types of development occurring at interchanges that would be constructed by the proposed action. Tables 4-47 and 4-48 of the Draft EIS draw conclusions about future land use at each proposed interchange



**Comment 2:** This DEIS does not present a no-build analysis. During its deliberations, the Route 20 Advisory Council was repeatedly advised by the Department to not even discuss a no-build option.

**Response 2:** The comment suggests that the DEIS does not include a No-Action Alternative. The No-Action Alternative was initially considered but was not developed further due to the lack of meeting the Purpose and Need for the project.

The comment suggests that the Advisory Councils were advised not to consider the No-Action Alternative. The build and no-build approaches were discussed initially. Upon recognition that the no-build did not meet the Purpose and Need, the balance of the time volunteered by council members was spent discussing the numerous build alternatives.

**Comment 3:** The DEIS uses narrowly drawn purpose and need – (1) most of existing U.S. Route 20 does not meet current design standards (a situation IDOT assume needs to be corrected) and (2) the rough terrain of Jo Daviess County prohibits construction of a new highway along the existing alignment (for which IDOT assume no design waivers should be requested) – that precludes reasonable alternatives to the proposed action.

**Response 3:** CEQ regulations require that an EIS “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action” (CFR 1502.13). In Section 1 of the Draft EIS, the need for the proposed action is clearly spelled out in terms of the regional economy, highway system capacity and continuity, safety concerns and community access. The Department feels that the Draft EIS contains a thorough description of the proposed project’s purpose and need and is consistent with NEPA objectives and requirements.

Much of the existing facility does not meet current design standards. Based on capacity and safety concerns for the motoring public, the Department believes this is an undesirable situation. The terrain along the existing route is but one of the concerns with regard to construction along the existing alignment. The proximity of economic bases, environmentally sensitive areas and residential communities also makes the widening of existing U.S. Route 20 undesirable.

**Comment 4:** The DEIS defines the no-build alternative as “the existing local road with only normal maintenance and repair.” The No-Build Alternative does not reflect a continuation of the present course of action until such time as that action is changed. Consequently the projected impacts of build alternatives cannot be compared to the impacts for planned major improvements to the existing roadway.

**Response 4:** The comment stated that NEPA requires a No-Action Alternative that reflects the continuation of the present course of action. The current course of action is maintenance and short term alignment solutions that address specific deficiencies, but do not meet the needs of the corridor as a whole. This is not effective in meeting the safety and capacity elements of the Purpose and Need. The comment correctly notes, NEPA requires that a no-build analysis reflect a continuation of the present course of action until such time as that action changes. Section 3.1.1 of the Draft EIS states that implementation of the No-Action Alternative would perpetuate a



functionally obsolete facility, would not reduce congestion, would not improve traffic safety or community access and would not provide system continuity.

**Comment 5:** The proposed action would likely raise fine particle emissions from automobile and truck exhaust as traffic increases as a result of the proposed action and from FAP 301 (U.S. Route 20) being designated a NAFTA trade corridor.

**Response 5:** The air quality analyses completed for this project were done so in accordance with NEPA and FHWA guidelines. The detailed findings are presented in the Air Quality Technical Report, and are incorporated by reference in the DEIS.

Specifically, the attainment status of Particulate Matter (PM<sub>10</sub>) levels have been assessed in the DEIS (May 2003) page 2-29. The entire project area is designated as attainment for PM<sub>10</sub> (10 micron). The detailed PM<sub>10</sub> standards and monitored particulate pollutant levels were discussed and shown on Table 2-1 (page 2-2) and Table 3-1 (page 3-2) of the Air Quality Technical Report (March 2001). These monitored data show that the PM<sub>10</sub> levels are much lower than the National Ambient Air Quality Standards. For instance, the highest 24-hour fine particle concentration near the project area for the 1997-1999 timeframe ranged as 42 ~ 73 ug/m<sup>3</sup> (equivalent to only 28% ~ 48% of the standard); while annual average concentrations ranged as 21.3 ug/m<sup>3</sup> ~ 26.7 ug/m<sup>3</sup> (only 43 % ~ 53 % of the annual standard).

Further, section 4.4.1.3 (page 4-58) and 4.13.2 (page 4-124) of the DEIS assess and discuss fine particle emissions and dust issues related to construction, as well as the control techniques to ensure minimizing any potential emissions and impacts based on IDOT Standard Specifications and Provision for Road and Bridge Construction, Section 107.36. Consequently, the DEIS demonstrated and documented the particulate matter issues and meets the NEPA requirements.

**Comment 6:** The DEIS does not consider the reasonable alternative of locating this highway in the much simpler terrain of southwestern Wisconsin, does not consider a two-lane design with wide shoulders, turning lanes, passing lanes every five miles, and bypasses around the smaller towns, nor does not consider the alternative of locating a new highway on the existing U.S. Route 20 alignment.

**Response 6:** The comment suggests that the DEIS does not examine all reasonable alternatives. Twelve alternates were developed in detail and are included in the DEIS, Section 3.1.2. Others (e.g., Snipe Hollow) were considered throughout the course of this project (and prior to the start of this project by others) and were dismissed due to their undesirable environmental, agricultural, economic, and/or residential impacts. A far northern Illinois alternative was included in a previous study, and was dismissed. Construction of a new four-lane highway on the existing U.S. Route 20 alignment was considered and discarded. Rough terrain from Galena to Stockton prohibited constructing a new four-lane highway that would meet current design standards. Also, impacts to upland forested areas and wildlife resources (Neotropical migrant birds and timber rattlesnakes) through Tapley Woods Land and Water Reserve, an Illinois Land and Water Reserve, would have been greater than the other alternates. From Stockton eastward the use of the existing U.S. Route 20 alignment was included as part of Alternates 11 and 12. Construction of a four-lane highway within municipalities would not be possible due to the multitude of impacts. Please refer to Section 3.2 Project Alternatives Eliminated, Roadway Improvements to Existing



Alignment on page 3-14 of this FEIS for additional clarification concerning the issue of an alternate on existing alignment.

**Comment 7:** The DEIS does not identify all environmental preferable alternatives.

**Response 7:** Of the twelve alternates developed for further consideration, the preferred has the fewest overall environmental consequences.

**Comment 8:** The DEIS does not present consultant disclosure statements as required by NEPA.

**Response 8:** The Illinois Department of Transportation's Standard Agreement for Consulting Services addresses this issue. All consultants involved with The Louis Berger Group team have signed standard agreements with IDOT to complete the consulting services associated with this project.

**Comment 9:** The DEIS does not identify the indirect impacts resulting from U.S. Route 20 being designated a NAFTA trade corridor.

**Response 9:** On September 17, 2003, the Federal Highway Administration issued a letter to the Illinois Department of Transportation stating:

"The Illinois Department of Transportation has received several comments on the DEIS for the US 20 project stating that US 20 is a designated NAFTA corridor. We have researched the existence of designated NAFTA corridors and neither the Federal Highway Administration, Illinois Division, nor the Washington DC headquarters office is aware of any such designated routes.

There was also reference to a bill renaming the National Corridor Planning and Development Program to the NAFTA Corridor Planning and Development Program. We have researched this issue as well, and no such change has been executed."

Additionally, the following information clarifies some of the confusion regarding this issue:

- In June of 1998, the Transportation Equity Act for the 21st Century was enacted. TEA-21 authorizes the Federal surface transportation programs for highways, highway safety, and transit.
- Federal Highway Administration discretionary funds have been provided to individual states as part of the National Corridor Planning and Development and the Coordinated Border Infrastructure programs. These programs, informally known jointly as the Corridors and Borders program, were provided for by the TEA-21.
- There is current legislation pending in the United States Congress that would rename the National Corridor Planning and Development Program, the NAFTA Corridor Planning and Development Program. Regardless of title, U.S. Route 20 has not been designated as one of these corridors.
- The Corridors and Borders program funds projects in 44 Congressional High Priority Corridors based on factors specified in TEA-21. The Borders program is designed to improve border transportation infrastructure and operations that facilitate the safe movement of people and goods at or near the U.S.-Canada and the U.S.-Mexico borders.



The Federal Highway Administration has not designated the U.S. Route 20 Corridor as a Congressional High Priority Corridor and therefore study and discussion in the Draft Environmental Impact Statement is unwarranted.

**Comment 10:** The DEIS does not consider all relevant, reasonable measures to avoid or reduce impacts of the proposed action, including remedies outside the jurisdiction of the acting agency – such as design waivers.

**Response 10:** The comment suggests that design waivers may be a reasonable way for the preferred alignment to reduce or avoid adverse impacts. The state of Illinois Department of Transportation has avoided and/or minimized environmental impacts without the need to compromise capacity and/or design by requiring design waivers. The potential for further reduction in adverse impacts may be considered during the design phase of the project.

**Comment 11:** The DEIS states, “At this time, there are no known local or agency-related subjects of controversy or unresolved issues associated with the proposed project”. To the contrary, active and ongoing opposition to the construction of a freeway in Jo Daviess County has existed for over a decade. The Freeway Watch Committee (FWC) has to this day remained a strong advocate for a safe, economical expressway, constructed substantially on the existing U.S. Route 20 alignment. FWC is dedicated to continuing an open and comprehensive discussion of the issues surrounding this project until they can be fairly resolved.

**Response 11:** The comment suggests that the DEIS misrepresented known local or agency related subjects of controversy or unresolved issues associated with the project. At the time of DEIS publication, opposition groups, that had organized early on in the public involvement process, had not actively participated in any public meeting or advisory council meeting in a number of years. Many of the original Freeway Watch Committee members had become involved with the Advisory Council process and had since given their support to the project. Additionally, many of the committee’s members became less involved as potential alignments were eliminated from consideration and their properties were no longer impacted. As indicated by the addressing of issues raised in the committee’s letter and over 200 comments received during the Public Hearing process, the Illinois Department of Transportation is dedicated to the continuing and comprehensive discussion of issues surrounding the project. The Department will continue to listen to the concerns of the residents of the project area, whether in support or opposition of the proposed improvement.

**Comment 12:** The accident data presented in the DEIS are outdated and incomplete.

**Response 12:** The comment suggests that the analysis of crashes within the corridor is lacking due to the absence of additional data. The Department has reviewed the additional data omitted in the DEIS and has determined that the statements included in the DEIS are accurate. Additional trend data is included in the Final EIS to address this concern further, please see Section 1.3.

- U.S. Department of the Interior

**Comment 1:** The DEIS fails to discuss the magnitude of impact to outstanding remarkable values (ORV’s) that would be associated with additional crossings of the



**Apple River.** We recommend that the Final EIS include an evaluation of direct, indirect, and cumulative impacts to the ORV's associated with the proposed bridge crossings.

**Response 1:** The DEIS includes a brief discussion of the potential for impacts to ORVs of the NRI candidates; however, it is not possible beyond a commitment to detail impacts or quantify the magnitude of impacts at this point of the design. The Design Report includes bridge sketches of river crossings; however, they lack the design development necessary to provide a detailed mitigation measurement. The Department is committed to minimizing impacts and continues to include this statement in the FEIS document.

**Comment 2:** Please include measures to minimize impacts to the free flowing condition, scenic, and recreational resources of the Apple River. We recommend minimizing removal of riparian trees and vegetation within the National Rivers Inventory stream corridor; the incorporation of design features, such as the use of naturally tinted concrete piers and abutments for any bridge work to minimize visual intrusions; and the use of native plantings along the stream bank corridor. If deemed necessary, we suggest the use of native rock materials and other "soft" hardening techniques, rather than the use of rock rip-rap. We also recommend that consideration be given to moving the bridge (Apple River) crossings approximately 100 feet to the northeast and orienting the crossings as closely as possible to perpendicular to the river if such a modification would still allow the highway to meet design standards while reducing the potential need to have any of the bridge piers in the waterway.

**Response 2:** The FEIS includes commitments to minimize impacts to NRI candidates, including the conditions and items referenced. Aesthetic treatments will be incorporated as possible, as committed to by acceptance and adoption of the Advisory Council's recommendation.

**Comment 3:** We recommend that the last two sentences of the second paragraph of subsection 2.8.1.6 be removed or revised to indicate that washoff could affect groundwater supplies and to make this paragraph consistent with the one on page 2-53. The same discussion of "sources" occurs in the first full paragraph on page 4-78 and should be similarly modified.

**Response 3:** The text previously included in Section 2.8.1.6 is deleted in the FEIS.

- **U.S. Environmental Protection Agency**

**Comment 1:** The DEIS does not quantify the acreage of karst areas affected by each build alternative; therefore it is not possible to compare the alternatives on this issue. The FEIS should indicate the acreage of karst topography associated with each build alternative.

**Response 1:** Additional text on this topic has been added to the FEIS. Please see Sections 2.8 and 4.6 referring to Karst.

**Comment 2:** The DEIS does not describe special design considerations if karst features are encountered that are referred to in the DEIS. The FEIS should include a detailed description of the special design considerations planned for karst areas.



**Response 2:** Additional text on this topic has been added to the FEIS. Please see Section 4.6 referring to Land Subsidence and Landslides.

**Comment 3:** The DEIS does not include information about state, county, or local regulations (e.g., zoning or land use plans) which would protect karst area from wastewater contamination. The project proponents should conduct an assessment of this information, consider it prior to selecting an alternative, and include the assessment in the FEIS.

**Response 3:** Research on the subject did not yield any state, county or local regulation regarding the protection of karst areas with regard to the specific proposed improvements.

**Comment 4:** The Galena River is a waterbody in the study area listed as an impaired stream under Section 303(d) of the Clean Water Act. The DEIS states that potential sources of its impairment are agriculture, urban runoff/storm sewers, channelization and unknown sources. Under Section 303 (d), impaired streams are subject to Total Maximum Daily Load (TMDL) program, which is used to return the streams to compliance with water quality standards. It is not clear how indirect impacts from the proposed project (e.g., increased stormwater flow rates) would affect the TMDL program goals for the Galena River. The FEIS should provide this information and describe mitigation commitments to reduce these impacts.

**Response 4:** TMDL commitments are included in the FEIS, Section 2.9.

**Comment 5:** The DEIS addresses fragmentation impacts to Neotropical migrants and efforts to reduce these impacts. However, the DEIS does not address direct impacts to Neotropical migrants from forest removal. Direct ecological impacts to Neotropical migrants throughout the forest should be explored in greater depth in the FEIS. The project proponents should provide the nesting season dates for the Neotropical migrants in the project area and commit to avoid disturbing these birds' habitat during this time.

**Response 5:** A commitment to limiting construction activities to non migratory seasons is included in the FEIS, Section 4.15.

**Comment 6:** According to the DEIS, the project proponents would mitigate forest impacts by purchasing 209.85 acres for reforestation. This compensation acreage is less than the 273.5 acres impacted by the preferred alternate. The purchase of land with established trees does not compensate for trees removed due to the project. Therefore, the mitigation section of the FEIS should commit the project proponents to plant trees in an area which equals the area of trees removed under the Preferred Alternate.

**Response 6:** The Department continues to identify additional candidate parcels for acquisition (land locked, adjacent to forested areas, etc.) to meet the required minimum mitigation ratios for tree replacement. A commitment to an increased ratio is included in the FEIS, Section 4.15.

